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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,942	08/27/2003	Arthur Wong	CM2656M	5927

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EXAMINER	
TORRES VELAZQUEZ, NORCA LIZ	
ART UNIT	**PAPER NUMBER**
1771	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,942	WONG ET AL.	
	Examiner	Art Unit	
	Norca L. Torres-Velazquez	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *22304*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-12 and 31-34 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of copending Application No. 10/712,239 in view of IKEDA et al. (US 5,633,772). The '239 application also claims a nonwoven substrate that comprises at least one first region and at least one second region, wherein the second region comprises protruding elements. It is further noted that the drawings of the copending application also read on claims 5-12 and 33-34. The copending application is silent to the density of the material. IKEDA et al. teaches the use of a sheet-like fibrous member as a cleaning member used for cleaning a magnetic disk and teaches that the cleaning member has a density of no more than 0.10 g/cm^3. (Abstract) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide nonwoven substrate of the copending application with a density of no more than about 0.15 g/cm^3 with the motivation of producing a material suitable as a cleaning sheet as taught by IKEDA et al. above.

This is a provisional obviousness-type double patenting rejection.

2. Claims 33-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11 and 17 of U.S. Patent No. 6,383,431 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the '431 patent comprises all the manipulative steps of the method of the present invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOBRIN et al. (US 6,383,431 B1) in view of IKEDA et al. (US 5,633,772).

DOBRIN et al. discloses a method for modifying the physical characteristics of a nonwoven fibrous web which involves passing the web between at least one pair of interengaged rolls to incrementally stretch the web, and then withdrawing the incrementally stretched web from between the rolls under tension. (Abstract) The reference teaches a nonwoven material with a deformation pattern in the form of ridges and grooves defining an array of spaced, diamong-shaped elements 100 with intervening undeformed areas 102. (Col. 12, lines 2-24; Figures 10-11) Figures 10 and 11 show the patterns of the forming rolls that are transferred into the nonwoven web. It is the Examiner's interpretation that that first and second regions of the present invention would be provided by the Dobrin reference. (Refer to Figures) With regards

to the basis weight and the structure of the materials, the reference shows in their examples nonwoven materials with basis weight ranging from 27-33 gsm and it teaches structures that comprises carded webs, spunbonded webs, SMS, among others. (Refer to Table I and Cols. 14-18)

However, the reference is silent to the density of the nonwoven substrate.

IKEDA et al. teaches the use of a sheet-like fibrous member as a cleaning member used for cleaning a magnetic disk and teaches that the cleaning member has a density of no more than 0.10 g/cm^3. (Abstract) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the nonwoven substrate of Dobrin with a density of no more than about 0.15 g/cm^3 motivated by the desire of producing a material suitable as a cleaning sheet as taught by IKEDA et al. above.

5. Claims 1, 13 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WALTON et al. (US 3,810,280) in view of IKEDA et al. (US 5,633,772).

WALTON et al. relates to longitudinal treatment to produce desired effects in thin materials such as woven, knitted and nonwoven fabrics, yarns, among others. (Col. 1, lines 5-12; Abstract) A very specific object of the invention is to provide a method and means for improving the cover and bulk of textile materials. (Col. 1, lines 64-66) The invention concerns machines having opposed members for contacting respective sides of the material, in the case of uniform treatment of webs of the members normally being uniform across the width of the traveling web. On side of the material is located a drive member providing a movable drive surface and on the other side there is a retarder member spaced from the movable drive surface and having a retarding surface to engage the exposed face of and retard the material while the

material is exposed to the drive surface. The reference teaches that in any forms of the invention the retarding portions may comprise projections. (Col. 2, lines 1-33) For treating compressible materials, a drive surface comprising a surface having ridges and grooves may be used. (Col. 2, lines 56-58) For treating textiles, the retarding surface may be arranged to nap the surface of the material in the process of retarding it. The method of the invention is applicable to bulking or softening a length of fibrous material by providing the driving surface material with material gripping projections. (Refer to Col. 4, lines 47-68) The reference teaches the use of the retarding surface to nap the fabric by dislodging individual threads from their bundles. The reference teaches that where it is desired mainly to bulk or thicken a textile, and not to shorten it, advantageously the effective length of the retarding surface is kept short. When the material emerges from under a short extent of retarder immediately "blooms" into a bulky form. (Refer to Col. 8, lines 56 through Col. 9, lines 1-25)

However, the reference is silent to the density of the nonwoven substrate.

IKEDA et al. teaches the use of a sheet-like fibrous member as a cleaning member used for cleaning a magnetic disk and teaches that the cleaning member has a density of no more than 0.10 g/cm^3. (Abstract) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the nonwoven substrate of WALTON with a density of no more than about 0.15 g/cm^3 motivated by the desire of producing a material suitable as a cleaning sheet as taught by IKEDA et al. above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Norca L. Torres
Examiner
Art Unit 1771

May 16, 2005